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REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1-3 and 9-15 under 35 U.S.C. § 103(a) as being unpatentable over JP 2000-060791. Furthermore, the Examiner rejects Claims 1-3, 8-12 and 14-15 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,759,490 to Malchesky (hereinafter "Malchesky") in view of U.S. Patent No. 6,361,751 to Hight, III (hereinafter "Hight") and either U.S. Patent No. 4,739,729 to Monch (hereinafter "Monch") or U.S. Patent No. 4,798,292 to Hauze (hereinafter "Hauze"). Additionally, the Examiner rejects claims 1-3, 8-12 and 14-15 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,534,221 to Hillebrenner et al. (hereinafter "Hillebrenner") in view of Hight and either Monch or Hauze. Furthermore, the Examiner rejects claim 13 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Malchesky and Hight, and further in view of U.S. Patent No. 3,633,758 to Morse et al. (hereinafter "Morse"). Lastly, the Examiner rejects claim 13 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillebrenner and Hight, and further in view of Morse.

In response, independent claims 1, 9, 10, 11 and 15 have been amended to clarify their distinguishing features. Specifically, claim 1 has been amended to recite an endoscope container for high-pressure steam sterilization, the endoscope container being stored in a high-pressure sterilizing device by having at least a part of an insertion member of an endoscope bent to be stowed, wherein a positioning member restricts bending of the insertion member over a range of at least 70 cm of the

distal portion of the insertion member. Claims 9, 10, 11 and 15 have been similarly amended. The amendment to claims 1, 9, 10, 11 and 15 are fully supported in the original disclosure. Thus, no new matter has been introduced into the original disclosure by way of the present amendment.

Therefore, the claims have been amended to clarify that the positioning member and pipe portion control the amount of bending of the distal 70 cm long portion of the insertion member to be larger than other portions of the insertion member. The cited references of record simply do not disclose or suggest such a feature. Applicants would also like to note that endoscope containers must be small enough to fit within standard high pressure sterilizing devices. Since there is a limit as to the size of the endoscope container, at least part of the endoscope insertion member must be stowed in the endoscope container in a bent state. If there was no limit as to the size of the endoscope container, sterilization of the endoscope could be performed with the insertion member stretched in a straight configuration, as shown in Hight. However, since there is such a limitation, the insertion member must be stowed in a bent state. Thus, the independent claims recite a positioning member and a pipe portion that control the amount of bending of the distal 70 cm portion of the insertion member to be larger than other portions of the insertion member. Such a configuration results in the advantages discussed in the specification, e.g., to prevent deterioration of an inserting smoothness of the insertion member that occurs when the endoscope is sterilized with high-pressure steam and a soft part of the endoscope is held bent (see page 3 of the specification).

With regard to JP 6-63007, although the same may describe the bend radius at a predetermined portion of the insertion member being made larger than a bend radius of other portions, it does not describe such portions to be the distal 70 cm portion of the insertion member, as is recited in independent claims 1, 9, 10, 11 and 15.

With regard to Hight, the same discloses a device in which a liquid medicine is stored and an endoscope is immersed therein to disinfect the endoscope. That is, the device disclosed in Hight is not concerned with putting a container in a sterilizing device to sterilize the endoscope. In other words, there is no suggestion or teaching in Hight that the endoscope is put in a sterilizing device.

With regard to Hillebrenner, the same discloses a device to sterilize an endoscope. However, in the device of Hillebrenner, the insertion portion of the endoscope is merely rounded. In other words, Hillebrenner does not disclose or suggest a device that suppresses bending of the insertion portion of the endoscope in a manner as set forth in claims 1, 9, 10, 11 and 15. Specifically, since the insertion portion of the endoscope disclosed in Hillebrenner is merely rounded, Hillebrenner does not disclose or suggest a positioning member or pipe portion which controls the amount of bending of the distal 70 cm portion of the insertion member to be larger than other portions of the insertion member.

With regard to Malchesky, the same discloses a device to sterilize a catheter. A mechanism to hold the catheter in a predetermined shape is disclosed in this device. However, in the device of Malchesky there is no teaching or suggestion to

hold the insertion portion so as to restrict the bending of the distal 70 cm portion of the insertion member to be larger than other portions of the insertion member.

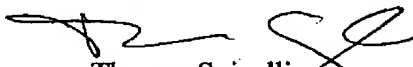
With regard to Morse, the same discloses a rack for holding a catheter that is held in a straight status or in a bent status. However, in the device of Morse, almost the entire catheter except the proximal side thereof is held in a bent state. Hence, there is no teaching or suggestion in Morse to hold the insertion portion so as to restrict the bending of the distal 70 cm portion of the insertion member to be larger than other portions of the insertion member.

With regard to Hauze, the same discloses a container which can be arrayed and accommodated for sterilization in accordance with the configuration of the operation instruments, which is very different from the one in which an elongate flexible insertion member is bent to be stowed.

With regard to the rejections of claims 1-3 and 8-15 under 35 U.S.C. § 103(a), claims 1, 9-11 and 15 are not rendered obvious by the cited references because neither the JP 2000-060791 patent, the Hight patent, the Hillebrenner patent, the Malchesky patent, the Morse patent nor the Hauze patent whether taken alone or in combination, teach or suggest an endoscope container for high-pressure steam sterilization of claims 1, 10, 11 and 15 or an insertion member sheathing member for storage in a high-pressure sterilizing device of claim 9 having the features discussed above. Accordingly, claims 1, 9-11 and 15 patentably distinguish over the prior art and are allowable. Claims 2, 3, 8 and 12-14, being dependent upon claim 1 are thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-3 and 8-15 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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